



## DECLARATION AND PETITION

As the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated immediately below next to my name;

Full name of inventor: Tyler J. Beck  
Residence (City/State): Vadnais Heights, Minnesota  
Mailing Address: 4503 S. Oak Leaf Court  
Vadnais Heights, MN 55127  
Citizenship: United States

Full name of inventor: Peter P. Hairston  
Residence (City/State): St. Paul, Minnesota  
Mailing Address: 474 Desnoyer Avenue  
St. Paul, MN 55104

Citizenship: United States

Full name of inventor: Stanley L. Kaufman  
Residence (City/State): New Brighton, Minnesota  
Mailing Address: 2250 Mounds Avenue  
New Brighton, MN 55112

Citizenship: United States

I believe I am an original, first, and sole inventor (if only one name appears above), or a joint inventor (if more than one name appears above) of the subject matter which is claimed and for which a patent is sought on the invention entitled "Analysis Systems Detecting Particle Size and Fluorescence," the specification of which was filed June 24, 2003 with the U.S. Patent and Trademark Office as application Serial No. 10/ 602,178, and further identified by Attorney Docket No. 23,392-77. I authorize post-signature entry of the application Serial No. immediately above, to facilitate the filing of this declaration.

I have reviewed and understand the contents of the above-identified specification, including the claim, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (or §365) of any foreign application(s) for patent or inventor's certificate listed pursuant to §119 (a)-(d) or of any provisional patent application(s) listed pursuant to §119(e), and have identified any such application(s) for patent or inventor's certificate having a filing date before this application:

<u>60/391,135</u>	<u>USA</u>	<u>June 24, 2002</u>
(Number)	(Country)	(Day/month/year filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information in accordance with Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>N/A</u>	<u></u>	<u></u>
(Application Serial No.)	(Filing date)	(Status - patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all communications concerning this application to:

Frederick W. Niebuhr  
Larkin, Hoffman, Daly & Lindgren, Ltd.  
1500 Wells Fargo Plaza  
7900 Xerxes Avenue South  
Bloomington, Minnesota 55431-3333  
(952) 896-1574

Wherefore, I pray that Letters Patent be granted for the invention or discovery described and claimed in the above-referenced specification including the claims, and I hereby subscribe my name to said specification and claims, the foregoing declaration, and this petition.

Full name of first inventor: Tyler J. Beck

Inventor's signature:



Date: July 15, 2003

Full name of second inventor: Peter P. Hairston

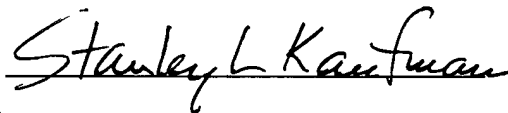
Inventor's signature:



Date: 7/14/03

Full name of third inventor: Stanley L. Kaufman

Inventor's signature:



Date: 9 July 03

854023.1



Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Tyler J. Beck, et al.

Atty. Docket: 23,392-77

Serial No.: 10/602,178

Filed: June 24, 2003

For: Analysis Systems Detecting Particle Size and Fluorescence

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APPOINTMENT OF ATTORNEYS INCORPORATING  
STATEMENT UNDER 37 CFR 3.73(B)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of TSI Incorporated, a corporation organized and existing under the laws of the State of Minnesota, hereby appoints, jointly and severally, Frederick W. Niebuhr, Registration No. 27,717; Thomas J. Oppold, Registration No. 42,054; and Michael A. Essien, Registration No. 50,534, of LARKIN, HOFFMAN, DALY & LINDGREN, LTD., 1500 Wells Fargo Plaza, 7900 Xerxes Avenue South, Bloomington, Minnesota 55431-3333, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, and with the general power of attorney to file and prosecute any foreign or International (PCT) application claiming the benefit of priority of this application, or any continued prosecution application, continuation, continuation-in-part, divisional, reexamination, or reissue thereof.

Pursuant to 37 CFR 3.73(b), TSI Incorporated certifies that it is the assignee of the entire right, title and interest in and to the patent application identified above by virtue of an assignment from the inventors, a copy of which is attached hereto.

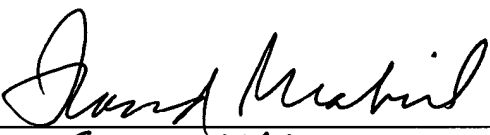
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Bloomington, Minnesota 55431-3333  
(952) 896-1574

The undersigned states that he is empowered to execute this document on behalf of the assignee.

TSI Incorporated

Date: *July 9, 2003*

By:   
FLOYD GRABIEL  
(typed or printed)

Title: *Corporate Counsel and Secretary*

865751.1

## ASSIGNMENT

WHEREAS we, Tyler J. Beck, Peter P. Hairston, and Stanley L. Kaufman, citizens of the United States and residents of Vadnais Heights, Minnesota; St. Paul, Minnesota; and New Brighton, Minnesota, respectively, are inventors of that certain invention disclosed in an application for United States Letters Patent entitled "Analysis Systems Detecting Particle Size and Fluorescence," filed June 24, 2003, with the U.S. Patent and Trademark Office as application Serial No. 10/ 602,178, and further identified by Attorney Docket No. 23,392-77; and

TSI Incorporated, a corporation organized and existing under the laws of the State of Minnesota, and having a principal place of business at 500 Cardigan Road, P.O. Box 64394, St. Paul, MN 55164, is desirous of acquiring the Application and the invention disclosed therein (Invention), and any and all United States and foreign patents that may be granted on said Invention;

NOW, THEREFORE, Be It Known that for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, we, Tyler J. Beck, Peter P. Hairston, and Stanley L. Kaufman, have sold, assigned and transferred, and do hereby sell, assign and transfer unto said TSI Incorporated, our entire right, title and interest in and to said Invention, said Application and any continuations or foreign counterparts thereof, and any and all United States and foreign patents that may be granted on said Invention.

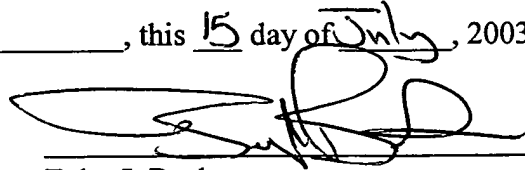
We covenant that we have not executed any instrument or taken any action contrary to this Assignment, nor will we do so in the future, and further covenant that we or our executors, administrators, representatives or assigns will execute all papers, assignments or other documents as requested by TSI Incorporated., will provide testimony by affidavit or otherwise on behalf of TSI Incorporated, in any proceeding before the U.S. Patent and Trademark Office, foreign patent office, state or federal court, or other decision-making body, and in general will cooperate fully with TSI Incorporated, or its successors and assigns in the endeavor to secure, perfect, maintain or enforce any rights under said Invention, said Application, or any patents granted on said Invention.

The Commissioner of Patents, and the officials with comparable authority over patents in foreign countries, are hereby authorized and directed to issue, in accordance with this Assignment, any and all patents which may be granted as a result of said Application or any such continuations or counterparts thereof, or otherwise granted on the said Invention.


To facilitate the proper identification of the Utility Application transferred by this Assignment, we authorize post-signature entry of the correct application number in the space provided above, and immediately below:

Utility Application No.: 10/ 602,178

Signed at Shoreview, MN, this 15 day of July, 2003.  
(city and state)

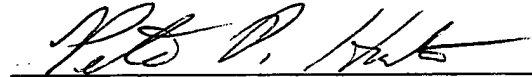


Tyler J. Beck

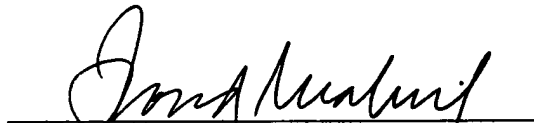
  
(Witness as to Tyler J. Beck)

Floyd Grabiell  
(Typed or Printed Name of Witness)

Signed at Shoreview, MN, this 14 day of July, 2003.  
(city and state)

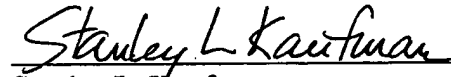


Peter P. Hairston

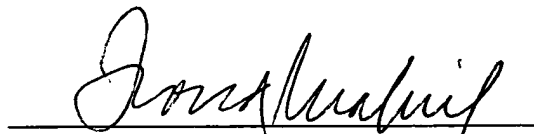
  
(Witness as to Peter P. Hairston)

Floyd Grabiell  
(Typed or Printed Name of Witness)

Signed at Shoreview, MN, this 9th day of July, 2003.  
(city and state)



Stanley L. Kaufman

  
(Witness as to Stanley L. Kaufman)

Floyd Grabiell  
(Typed or Printed Name of Witness)